

**But Firm Held Blameless**

# Cigaret Smoking Caused Cancer, U.S. Jury Says

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A jury ruled Tuesday that heavy smoking was a contributing cause of the lung cancer that killed Edwin M. Green in 1958, but refused to hold a tobacco company responsible.

It was the first time the question of whether cigarettes can cause lung cancer has ever reached a jury in this country.

The panel of 10 men and two women in Miami Federal Court refused to assess damages against the American Tobacco Co., defendant in a million-dollar-damage suit growing out of the death of the Coconut Grove contractor.

But the jury decided after some eight hours of deliberation that Green had a primary cancer in his left lung that caused his death.

Then it found specifically that smoking Lucky Strike cigarettes "was a proximate cause or one of the proximate causes of the development of the cancer."

The jury, however, in answering the fourth question posed to it, said the tobacco company could not be held responsible for the foresight, prior to Feb. 1, 1956, that users of Lucky Strikes, such as Green, would be endangered.

The date, Feb. 1, 1956, was the date witnesses for Green's estate testified the first symptoms of the onset of his lung cancer were diagnosed.

The jury brought in its verdict in favor of the American Tobacco Co. in that it denied damages to Green's estate.

Dr. Larry V. Hastings, attorney for the estate, shook hands with some of the jurors afterward and commented that the plaintiff had won a "moral" victory.

Hastings discounted the jury's findings as a precedent

that might lead to many more lawsuits, noting that each case of lung cancer is different.

But Hastings commented that "we hope the findings will provide the impetus to make them take steps toward producing a safer cigaret."

Commenting on the case afterward, some members of the jury said the majority concluded less was known about lung cancer prior to 1956, when Green contracted it, than at present.

"Therefore we figured it was too early for the American Tobacco Co. to have been held responsible for acting on such a conclusion," said Harold Kantor, of 17230 NW 87th Ct.

American Tobacco Co. Vice President Alfred Bowden, commented in New York that he was gratified that "the jury has returned a verdict in favor of our company."

He added: "No one knows the cause or causes of cancer of the lung or any kind of human cancer, and the answers will be found only in the laboratories of the scientists."

Green, a swimming pool contractor of Coconut Grove, was 49 years old when he died in 1958.

Doctors who treated him said cancer in the right lymph node at the base of his neck had spread from the upper portion of his left lung.

The contractor had been in poor health since 1956, and had come out of World War II with injuries that gave him total disability status. However, he operated his contracting business.

Witnesses testified he smoked Luckies for 32 years, for most of that time as much as two and three packs a day.

Green always smoked Luckies when he could get them, the jury was told.

Attorneys for Green's estate presented expert medical testimony offering the opinion that cigaret tars are a factor in cancer. The tobacco company countered with experts saying there is no proof.

Juror Walter Hopfe, of 13100 NW 11th Ave., North Miami Beach, said he believed the majority was impressed that "prior to 1956 there was still a lot of doubt — how could you hold the cigaret company responsible?"

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